

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

DESJARLAIS et al.

Serial No. **10/611,399**

Filed: **July 1, 2003**

For: ***Dominant Negative Proteins
And Methods Thereof***

Examiner: EMCH, Gregory S.

Art Unit: 1649 Conf. No.: 1891

CERTIFICATE OF ELECTRONIC TRANSMISSION
UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, including listed enclosures, is being electronically transmitted in Portable Document Form (PDF) through EFS-Web via Hyper Text Transfer Protocol to the United States Patent and Trademark Office on:

Dated: March 26, 2008

Signed: 
Monica E. Carlos

**TERMINAL DISCLAIMER TO
OBVIATE A DOUBLE PATENTING REJECTION**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, **Xencor, Inc.** (hereinafter "Xencor"), represents that it is the assignee of the entire right, title, and interest of:

1. The instant application, U.S. Application No. 10/611,399, filed July 1, 2003, which is a Continuation-In-Part of 10/338,083, filed January 6, 2003, by virtue of an Assignment recorded on June 13, 2007, at Reel/Frame 019419/0426.
2. U.S. Application No. 10/338,083, filed January 6, 2003, pending, having an Assignment recorded on June 13, 2007, at Reel/Frame 019419/0426.
3. U.S. Application No. 10/963,994, filed October 12, 2004, pending, having an Assignment recorded on April 27, 2005, at Reel/Frame 016497/0656.
4. U.S. Application No. 11/008,091, filed December 8, 2004, pending, having an Assignment recorded on June 9, 2005, at Reel/Frame 016671/0488.

Xencor hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as shortened by any terminal disclaimer of U.S. Application Nos. 10/338,083, filed January 6, 2003; 10/963,994, filed October 12, 2004; and 11/008,091, filed December 8, 2004.

Xencor hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Xencor does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Application Nos. 10/338,083, filed January 6, 2003; 10/963,994, filed October 12, 2004; and 11/008,091, filed December 8, 2004, as shortened by any terminal disclaimer, in the event that the patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

The undersigned is empowered to act on behalf of the petitioner/assignee. The undersigned has reviewed the evidentiary documents in the chain of title of the present application identified above, and certifies that, to the best of assignee's knowledge and belief, title is in the assignee Xencor.

Also included herewith is the terminal disclaimer fee of \$195.00 (Small Entity \$65.00 fee for each application) under 37 C.F.R. 1.20(d). While Applicants believe that no other fees are due at this time, the Commissioner is authorized to charge any fees, including extension fees or any other relief that may be required, in connection with this reply to Deposit Account 50-0310 (Client Matter No. 067461-5097US01.)

Serial No.: 10/611,399
Filed: July 1, 2003

The undersigned is an attorney or agent of record. Please direct any calls in connection with this application to the undersigned at (415) 442-1379.

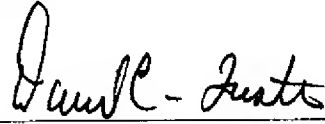
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Dated: March 26, 2008

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Filed Under 37 C.F.R. 1.34